

Warren Havens
& Polaris PNT PBC¹

September 24, 2016

Marlene Dortch, Secretary, FCC

ECFS filed in dockets 11-71, 13-85, 11-79, 11-27, 10-83.

This reports on a meeting I had on Monday September 19, 2016 with FCC staff Roger Noel, Richard Arsenault, Scot Stone, and Jeff Tobias of the Mobility Division of the Wireless Telecommunications Bureau.

The meeting topics in Exhibit 1 hereto. At the meeting, I presented and discussed the topics. An email following up on the meeting is Exhibit 2.

The topic of certain new wireless technologies and services is reflected in Exhibit 3 regarding the just-commenced DHS study of PNT (positioning, navigation, and timing) and the initial response of Polaris PNT, including by the referenced slide presentation online.

FCC staff noted ex parte rule restrictions regarding details of aspects of these topics. The restrictions were adhered to at the meeting. I commented that, based on evidence I have obtained (from FOIA request responses and other sources), since a time in 2015, other persons have violated these ex parte rule restrictions in FCC matters in which I had and still have Article III legal standing and interest, and am participant shown in FCC records.²

I identified some of the pending legal proceedings before the FCC and in courts that involve my interests noted above, and principals of potential resolution or settlement that in my view would advance the public interests as meant in the Communications Act. The resolution I discussed includes, as one element, use of spectrum below 100 MHz for the new wireless technologies and services I summarized at the meeting, which Polaris seeks to develop and provide. Other elements I noted are spectrum set asides in the 200 MHz range for smart transportation including for public railroads and transportation, and for nationwide precise PNT. I noted that I may discuss these matters with other parties for a potential meeting at the FCC.



Warren Havens
Individually and as President of Polaris PNT, PBC

¹ A Delaware Public Benefit Corporation.

² Based on my ownership in FCC licensee companies, designation by the Commission in OSC HDO FCC 11-64 that I am an individual party, re docket 11-71 (and thus 13-85 also), which the Commission further reflected in FCC-160, and for other reasons shown in FCC records. My initial response to FCC-160 is Exhibit 5 hereto. It is relevant to topics at the meeting.

EXHIBIT 1

Warren Havens <wrnvns@gmail.com>

RE: requested meeting(s) next week

Scot Stone <Scot.Stone@fcc.gov>

Thu, Sep 15, 2016 at 2:29 PM

To: Warren Havens <wrnvns@gmail.com>Cc: Jimmy Stobaugh <jimmy.stobaugh@outlook.com>

The meeting is still set. Every FCC conference room has a speaker phone.

From: Warren Havens [<mailto:wrnvns@gmail.com>]**Sent:** Thursday, September 15, 2016 4:49 PM**To:** Scot Stone <Scot.Stone@fcc.gov>**Cc:** Jimmy Stobaugh <jimmy.stobaugh@outlook.com>**Subject:** Re: requested meeting(s) next week**Confidential**

At this time, I designate the below to be confidential. Not all aspects are confidential, but some are, and involve or indicate trade secrets and proprietary business plans.

Mr. Stone,

- **Please let me know if the meeting for this coming Monday at 2 pm is still set on your side.** If possible, a room with a speaker phone would be appreciated, so that one or two persons affiliated with me may call in. I can arrange that they are connected, so only one has to call in, if there is more than one.

- As for what I note below: "I can pose more details a few days before a meeting," I provide the following.

This email is not presented to seek relief, and does not present my legal positions or any waiver of any past legal position I have taken before the FCC. It may also have inadvertent errors.

This email, and what I plan to present at the meeting, are not intended to be a "presentation" under FCC ex parte rules, to the extent those rules may apply. See item 5 below.

I would meet for myself individually and for my new company Polaris PNT PBC noted below. Polaris is not currently a FCC licensee.

I assume the meeting may not provide time for getting into these to a substantial degree, and my goal is not to get definitive FCC positions, but to get a sense of FCC concerns, issues, etc. I also have concerns indicated in item 5. I thus cannot give many pre-meeting details. At the meeting, depending on what FCC staff say about details I commence to present, in context of item 5 issues, I can either continue or stop on any item.

But I believe the following cannot be such a "presentation" and note these here, since you suggested I give more details.

The meeting topics I outlined are:

1. New wireless, new tech, etc.
2. Pending including new legal actions where re "Havens" licensee companies
3. FOIA responses - some questions
4. Public interest basis of a settlement concept
5. Ex parte and other protocols.

Following the meeting topic numbers:

1. This involves use of spectrum from about 2 MHz into VHF ranges (and a way to extend that to about 900 MHz) based on current radio astronomy phased arrays, that are not being adapted for various types of earth atmosphere investigation, and communications, including meteor burst communications. In sum, there is a way to use these, that is cost effective and commercially viable, and characteristics of the ionospheric plasma (naturally formed, and that can be enhanced from the ground), for a new generation of skywave based radio communications and radio PNT (position, navigation and timing), as well as environmental monitoring, weather modification to control and mitigate global warming, to back up GPS, and other things. It should be a major new form of wireless, and it is ideal for certain government services, critical industry needs, and to deliver to all persons certain critical data in most cost effective manner such as for smart transportation.

My investigation is based on major published sources by leading scientist and research organizations, as to each core element. I have worked on this for years, but especially this year. I plan to pursue this, via the new entity I created, Polaris PNT PBC (a Delaware Public Benefit Corporation) in large part to support federal agency programs, and their supported stage agency programs.

I have ideas on certain spectrum that I believe may be provided, on some basis, by the FCC for which some relief would be needed. I think there are relevant precedents. The just released SCRRA decision is one. I will not give my views on that at the meeting to the extent I disagree with the decision, but I may indicate how I believe that is a precedent to support what I have in mind in this topic 1. (I don't need the level of extraordinary relief as in that decision, but still, the principals in that decision support the relief I seek.)

If I get relief under this topic 1, it would factor in topic 5: A certain concept for settlement of many matters pending before the FCC, and in non-FCC legal actions -- a win-win-win concept, in my view, and highly in the "public interest" (as meant in Communications Act, and otherwise) but I plan to only submit the public interest issues involve, and not present for or against any other parties or possible parties. But if FCC ask for certain additional information, I can provide it (if I believe it is proper from my understanding of relevant law, and to the degree I am comfortable it it gets into confidential proprietary matters, etc.)

2. I want to take 5 or so minutes to identify these, and what I have placed in FCC records, and what I believe others should have but did not place in FCC records, to give the FCC an accurate understanding.

3. For the meeting. No additional details here. No one to my knowledge is disputing the subject FOIA matters I would discuss.

5. In this regard,

(i) From FCC records I received in response to FOIA requests after the California receivership was commenced, it appears that the FCC does not consider that ex parte rules are in effect as to communications to and from the FCC on matters that relate to the receivership and its FCC licensees and licenses (even before the FCC granted a type of transfer of control application submitted by the receiver) . I understand that applies to me, also. (I don't agree with this practice, and reserve all rights, but note here my understanding.) Also, Mr. Senzel informed me that I am not a party to docket 11-71 and that no one that is a party, or a non party, need provide to me any presentation. (Again, I disagree but take the position and reserve all rights, but believe that must be two-way.)

(ii) Some of what I plan to present is not subject to current contested matters. And some I may present are not matters for which, as I understand, the WTB is a decision maker.

(iii) I will follow instruction FCC staff may give me at the meeting on ex parte rule issues, but again, reserve the right to equal treatment under the law on these matters, and to disagree for good cause.

Thank you again for arranging the meeting.

Warren Havens

bccs.

On Tue, Sep 13, 2016 at 8:55 AM, Warren Havens <wrnrvns@gmail.com> wrote:

That works for me, thank you. If someone else I have in mind can attend with me, but not at that day-time, I will get back to you and try for another day-time. In any case, I will get back to you within about a day.

On Tue, Sep 13, 2016 at 8:20 AM, Scot Stone <Scot.Stone@fcc.gov> wrote:

How about Monday at 2:00?

It probably would be myself with Messrs. Noel and Tobias, and maybe Mr. Arsenault. Nobody from outside WTB.

From: Warren Havens [mailto:whavens@gmail.com]
Sent: Tuesday, September 13, 2016 7:21 AM
To: Scot Stone <Scot.Stone@fcc.gov>
Cc: Jimmy Stobaugh <jimmy.stobaugh@outlook.com>
Subject: Re: requested meeting(s) next week

Mr Stone,

Tentatively would you have time next Monday, Tuesday or Wednesday? Also, who may be available - yourself? and/or someone else? I would not want to meet anyone outside of WTB at this meeting. For the most part, the meeting I have in mind would be exploratory, but I can pose more details a few days before a meeting.

Thank you,

Warren Havens

On Mon, Sep 12, 2016 at 3:54 PM, Scot Stone <Scot.Stone@fcc.gov> wrote:

Mr. Havens,

We will be happy to meet – once. Let me know what days/times work best for you, and I'll figure out what works for everyone here.

We can make better use of the limited time if you provide in advance any specific questions you want answered. The more we can do by email, the more time remains for the matters that most

merit face-to-face discussion.

Scot Stone

Deputy Chief, Mobility Division

Wireless Telecommunications Bureau

From: Warren Havens [<mailto:wrrnvns@gmail.com>]

Sent: Thursday, September 08, 2016 3:16 PM

To: Scot Stone <Scot.Stone@fcc.gov>; Richard Arsenault <Richard.Arsenault@fcc.gov>

Cc: Jimmy Stobaugh <Jimmy.stobaugh@outlook.com>

Subject: requested meeting(s) next week

Mr. Stone, and Mr. Arsenault,

I will call to discuss below notes.

I request two in-person meetings, next week, on the following.

Probably two meetings needed, ideally over course of 1-3 days, to cover below topics.

I may have a person in DC attend with me, or the person or persons may call in - not sure yet.

I suggest a meeting with you two, if that is possible, since you have background on these matters.

Topic 4 below may be most time sensitive and overall important, but is logically presented below as the last item.

1. New wireless, new tech, etc.

- Follow up on my past communications with Mr. Stone regarding new wireless I plan to sure via Polaris PNT PBC (an new Delaware statutory Public Benefit Company I formed earlier this year, that would involve waivers and other relief.

- As I told Mr. Stone a few months ago, this plan and topic does not include other FCC licensee parties in any matters that are contested.

- It involves sub-GHz radio spectrum available outside of auctions, where my plans would use this in non-interfering manner with any licensed users, and pursue high public interest purposes. Etc.

- As is often done by many, I seek to discuss the elements of this, to get informal staff guidance useful for me to decide, with others, how to proceed.

- I have a Powerpoint on the new wireless, new tech, etc. I would informally present it

in a few slides, but run through the rest. Some elements are confidential but I would not get into depth on any of this, in a short meeting. The new tech and apps are based on major new tech and apps developed worldwide for public benefits, science, environment prediction and protection, precise position navigation and timing, etc. It is commercially attractive also. A first phase uses current tech. There are existing market needs nationwide (and worldwide).

- This relates in part to below topics, but also stands alone.

2. Pending including new legal actions where re "Havens" licensee companies - objective information and corrections

- I have individual party stakes related to the receivership of 7 LLCs and Skybridge Spectrum Foundation, under receiver Susan Uecker (sometimes called, over my regular objections, the "Havens" companies or the like, the "PNT Companies" as I define them in some recent court documents).
- From a recent FCC FOIA response sent to me, and other data, the actual, objective content of legal action pleadings, and court decision (in orders and in transcripts of hearings), is incorrectly reflected in FCC records (internal staff exchanges, and exchanges with some outside persons, and same shown in some non-FCC records).

This includes certain alleged facts in circulation among FCC staff that are demonstrable incorrect and improperly prejudicial, and I expect FCC staff would want to correct these, once the error is shown. I want to present this in person only, to start with.

3. FOIA responses - some questions

- (First, a news reporter just left me a voice mail on what is apparently a FCC FOIA decision of today, on some FOIA matter relating to me. I have not gotten or read that yet, but must be on old FOIA requests. I don't factor that in to matters of this email.)
- I have questions to pose in person. Responses may then take FCC staff time to check into and provide, and for that, I could summarize in writing based on the meeting exchange.
- This does not depend on but is in accord with FCC instructions in FOIA responses, as to inquires about responses prior to any application for review.

4. Public interest basis of a settlement concept

- I raised with Mr. Stone some months ago a few questions on procedure if I were to request a settlement meeting at the FCC, to parties involved in certain related matters: My direct party involvement,* the PNT Companies, MCLM-Choctaw, pending FCC formal proceedings - at the time of the meeting, pending FCC informal proceedings (as shown in FOIA responses), existing court actions of these entities.
- I want to discuss the public interest issues, including in part topic 1 above, that may factor into any such settlement.
- I would not argue for or against, or try to reflect, positions of others. But if FCC chooses, I may indicate some concepts that I align with what others have stated before FCC.
- FCC staff feedback on this topic as to what I have in mind, on my side, and in the public interest, will be useful for me to decide how to proceed.

*This involves both party status in FCC proceedings, and that I remain the person on a corporate level with, under federal court case precedents (up to US Supreme Court) with the controlling interests (whether FCC understands and agrees. It involves other matters also, but those may be subject to ex parte rules (if the FCC applies those as it may- it is not clear as to

various FCC staff positions in this regard, and I steer clear for now).

- I would explain some components limited to why FCC, other fed agencies, and public interest would benefit, independent of whatever other parties's positions may be (which I don't know).

5. Ex parte and other protocols.

- I can outline this before the meeting if useful, otherwise can present at the meeting a few things I have from FCC staff and records that result in lack of clarity. After the meeting, follow up as may be useful.

Respectfully,

/s/

Warren Havens

EXHIBIT 2



Warren Havens <wrrnvns@gmail.com>

Meeting this past Monday

Warren Havens <wrrnvns@gmail.com>

Fri, Sep 23, 2016 at 2:19 PM

To: Richard Arsenault <Richard.Arsenault@fcc.gov>

Cc: Scot Stone <Scot.Stone@fcc.gov>, Jeff Tobias <Jeff.Tobias@fcc.gov>, Jimmy Stobaugh

<Jimmy.stobaugh@outlook.com>

Messrs. Stone, Arsenault and Tobias,

Thank you for the meeting this past Monday that also included Mr. Noel.

I plan to submit a summary, and to be safe, file a copy as a meeting report in relevant matters, so that others that may believe they have an interest can act as they see fit. Please let me know if you have any instructions or guidance on this.

I was informed at the meeting that ex parte rules apply to my communications with the FCC (where I make presentations in matters subject to ex parte rules). I agree with that, and believe that applies to others that made presentations which involved and adversely effected my interests in the FCC matters.

My comments at the meeting were on basis of my personal interests involved. These include, among other things, majority or sole ownership in various legal entities that I believe by itself creates Article III standing as shown in cases before Circuit Courts under § 402 of the Communications Act.

Additional basis includes, as I explained at the meeting, that I represent and am one of the petitioning creditors which act for the estate (for all creditors and stakeholders) in the Leong Partnership Involuntary Bankruptcy case.

This FCC is listed creditor in this case, and as such on the service list for documents that are served on creditors.

The docket of that case is attached here to identify the history to date and its status. As shown, the court denied yesterday the motion to dismiss the case by attorneys for Mr. Leong with the attorney for the receiver in support (shown in the record of the hearing: currently in the audio file on PACER, and that will be in a transcript fairly soon). I attended to testify if the court called for that, and to show I stood ready to support all alleged facts. Mr. Leong and the Receiver did not attend, nor did they submit any declarations or other direct statements.

Involuntary bankruptcy petitions are under 11 USC §303, and cause the Automatic Stay as §362 sets forth.

The property of the alleged-debtor Leong Partnership described in the Petition including supporting declarations (and their exhibits) includes the defined "PNT Companies": Telesaurus Holdings GB LLC, Verde Systems LLC, Environmenentel LLC, Environmental-2 LLC, Intelligent Transportation & Monitoring Wireless LLC, V2G LLC, Atlas Wireless LLCs, and Skybridge Spectrum Foundation, these entities' assets including FCC licenses.

It is my position that the FCC has and is acting under claims (as meant by thy Bankruptcy Code) that are subject to relief in chapter 11 bankruptcy (that are not under the government regulatory action exception). This position is stated in the involuntary Petition's supporting first declaration by me, "statement #1."

/s/

Warren Havens



Leong Partnership BK case, docket as of 9-23-16 (2pm PST).pdf

182K

EXHIBIT 3



Warren Havens <wrrnvns@gmail.com>

Dck. No. DHS 2016-0060. PNT Study. Response of Polaris PNT, PBC.

Warren Havens <wrrnvns@gmail.com>

Sat, Sep 24, 2016 at 12:32 PM

To: John.Dragseth@dhs.gov, Sarah.Mahmood@hq.dhs.gov

Cc: warren havens <wrrnvns@gmail.com>

John Dragseth, NPPD, DHS
Sarah Mahmood, S&T, DHS

I am responding the the below publication[*] which concludes "Organizations or individuals interested in providing PNT requirements or other information pertaining to the study should contact the points of contact below by February 28, 2017."

I am the founder and principal interest holder in Polaris PNT, PBC - a Delaware Public Benefit Corporation.

Polaris PNT, PBC was founded with the same goals as the Study.

Its founding charter is attached, stating its purpose (emphasis added):

Public benefit purposes. The Corporation shall research, promote, and carry out **public-interest radio-frequency-based technologies and systems, including for positioning, navigation, and timing ("PNT") with high precision ("pPNT")** to enable efficient and effective ("smart" or "intelligent"): (i) transportation, energy, telecommunication and other infrastructure systems and services; (ii) terrestrial and atmospheric environment science, monitoring, protection, and prediction; (iii) citizen-direct internet and computing mesh networks; and (iv) public safety systems and services. It is intended that the business and operations of the Corporation create material positive impacts on society and the environment, taken as a whole. The Corporation may (i) pursue its purposes in relationships with government, private nonprofit, private public-benefit, and private for-profit organizations with purposes in accord with those of the Corporation, and (ii) obtain and exercise membership rights in nonprofit organizations, including Skybridge Spectrum Foundation (a Delaware corporation), with purposes in accord with those of the Corporation.

Some of the fundamental aspects of our plans and technical approach are described in the slide presentation at the following link:

<http://polarispnt.space/#/infinite-1/> - at the "click here".

Other aspects are current confidential, expanding on matters described in the slides.

Please inform me with current information on this study.

Thank you for your important services.

/s/

Warren Havens
President, Polaris PNT, PBC
Berkeley California
[\(510\) 914 0910](tel:5109140910)

[*]

National Protection and Programs Directorate

A Notice by the Homeland Security Department on 09/22/2016

Publication Date: 09/22/2016

Document Citation: 81 FR 65390

Docket No. DHS 2016-0060

Document Number: 2016-22884

Office of Infrastructure Protection, National Protection and Programs Directorate, DHS.

ACTION: Study Participation; notice for voluntary participation regarding Positioning, Navigation, and Timing Study.

SUMMARY: The purpose of this notice is to inform the public that the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) and DHS National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP) are engaging critical infrastructure sector owners and operators in a study to define and validate current and future positioning, navigation, and timing (PNT) requirements for critical infrastructure. This study will be coordinated with the Department of Transportation, which is establishing PNT requirements for the transportation sector. The requirements defined and validated by the study will support key decisions in the development of complementary PNT solution(s).

Accurate PNT is essential for critical infrastructures across the country. Currently, the Global Positioning System (GPS) is the primary source of PNT information. However, GPS signals are susceptible to both unintentional and intentional disruption leaving critical infrastructure vulnerable to operational impacts from disruptions. Due to the essential need for precise timing within many of the critical infrastructure sectors, DHS will initially focus the study on timing requirements within the electricity and wireless communications sectors. Subsequently, DHS will engage additional sectors and expand the study to include positioning and navigation requirements.

FOR FURTHER INFORMATION CONTACT:

Organizations or individuals interested in providing PNT requirements or other information pertaining to the study should contact the points of contact below by February 28, 2017: John Dragseth, NPPD, DHS, John.Dragseth@dhs.gov, 703-235-9467; or Sarah Mahmood, S&T, DHS, Sarah.Mahmood@hq.dhs.gov, 202-254-6721.

Dated: September 15, 2016.

Sarah Ellis Peed,

Director, Strategy, Policy & Budget, Office of Infrastructure Protection.

[FR Doc. 2016-22884 Filed 9-21-16; 8:45 am]

**Ex 1. to DHS re PNT. Polaris PNT, PBC Certificate of Incorporation (7-5-2016).pdf**

274K

State of Delaware
Certificate of Incorporation of

POLARIS PNT, PBC
A Delaware Public Benefit Corporation

Article 1. The Corporation's name is Polaris PNT, PBC.

Article 2. The Corporation's Registered Office in the State of Delaware is at 1209 Orange Street, New Castle County, Wilmington, Delaware, 19801. The Registered Agent in charge thereof is The Corporation Trust Company.

Article 3. The Corporation's character and public benefit purposes are the following:

Public benefit corporation. The Corporation shall be a public benefit corporation as contemplated by subchapter XV of the Delaware General Corporation Law (the "DGCL"), or any successor provisions, that it is intended to operate in a responsible and sustainable manner and to produce a public benefit or public benefits, and is to be managed in a manner that balances the stockholders pecuniary interests, the best interests of those materially affected by the corporation's conduct and the public benefits identified in this certificate of incorporation. Accordingly, it is intended that the business and operations of the Corporation create material positive impacts on human society ("society") and the natural environment ("environment"), taken as a whole. If the DGCL is amended to alter or further define the management and operation of public benefit corporations, then the corporation shall be managed and operated in accordance with the DGCL, as so amended.

General purpose. The Corporation's general purpose is to engage in any lawful act or activity for which a corporation may be organized under the DGCL, and, as to use of radio spectrum in the United States of America, the laws of the Federal Communications Commission and the National Telecommunications Information Agency.

Public benefit purposes. The Corporation shall research, promote, and carry out public-interest radio-frequency-based technologies and systems, including for positioning, navigation, and timing ("PNT") with high precision ("pPNT") to enable efficient and effective ("smart" or "intelligent"): (i) transportation, energy, telecommunication and other infrastructure systems and services; (ii) terrestrial and atmospheric environment science, monitoring, protection, and prediction; (iii) citizen-direct internet and computing mesh networks; and (iv) public safety systems and services. It is intended that the business and operations of the Corporation create material positive impacts on society and the environment, taken as a whole. The Corporation may (i) pursue its purposes in relationships with government, private nonprofit, private public-benefit, and private for-profit organizations with purposes in accord with those of the Corporation, and (ii) obtain and exercise membership rights in nonprofit organizations, including Skybridge Spectrum Foundation (a Delaware corporation), with purposes in accord with those of the Corporation.

State of Delaware
Certificate of Incorporation of Polaris PNT, PBC

Public benefits statements under third party standards. The Corporation shall make and deliver its public benefit statements, no less than biennially, on its website, or upon request at any time it does not have a website. In addition, the Corporation shall, unless the Board decides otherwise for any time period, prepare the public benefit statements in accordance with standards of a nationally recognized organization for defining, reporting, and assessing a corporation's social and environmental performance that:

(a) assesses the effect of the business and its operations on all of the interests materially affected by the corporation's conduct;

(b) is developed by an organization that is not under the control of the corporation or its affiliates; and

(c) has information publicly available concerning: (i) the criteria and relative weighting the standard uses to assess the corporation's overall social and environmental performance; (ii) the process by which the standard is developed and revised; and (iii) the character and independence of the organization that developed the standard, including: its material owners, its governing body members and how they are selected, and its material financial support and sources.

In addition to the requirements under Section 366(b) of the DGCL, the statement shall include all of the following:

(a) a narrative description of the process and rationale for selecting the third-party standard used to prepare the statement;

(b) a statement of any connection between, on the one hand, the entity that established the third-party standard, or its directors, officers, or material owners, and on the other hand, the Corporation, or its directors, officers, and material owners; including any financial or governance relationship that might materially affect the credibility of the objective assessment of the third-party standard; and

(c) an assessment of material positive impacts on society and the environment, taken as a whole, from the business and operations of the Corporation.

Severability. To the extent that any provision of this Article 3 is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of any other provision of this Article.

Article 4. As applied to each director of the Corporation: to the fullest extent permitted by law, the director shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director. If the Delaware General Corporation Law is amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of the director shall be eliminated or limited to the fullest extent permitted by the Delaware General Corporation Law, as so amended. Any disinterested failure to satisfy DGCL § 365 shall not, for the purposes of Sections 102(b)(7) or 145 of the DGCL, or for the purposes of any use of the term "good faith" in this certificate of incorporation or the Corporation's bylaws or other documents in regard to the indemnification or advancement of expenses of officers, directors employees and agents, constitute an act or omission not in good faith, or a breach of the duty of loyalty. Any repeal or modification of

State of Delaware
Certificate of Incorporation of Polaris PNT, PBC

this Article 4 shall not adversely affect any right or protection of any director existing at the time of such repeal or modification.

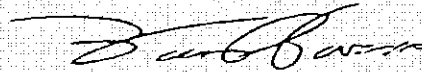
Article 5. The total amount of stock the Corporation is authorized to issue is 10,000,000 (ten million) shares with a par value of \$0.001 per share.

Article 6. The name and mailing address of the incorporator are as follows:

Warren C. Havens
2649 Benvenue Avenue
Berkeley CA 94704

I, The Undersigned, for the purpose of forming this Public Benefit Corporation under the laws of the State of Delaware, do make, file and record this Certificate, and do certify that the facts herein stated are true, and I have accordingly hereunto set my hand this 4th day of July, A.D. 2016.

BY:



Warren C. Havens
Incorporator

EXHIBIT 4



Warren Havens <wrrnvns@gmail.com>

FCC-16-120 - your statement

Warren Havens <wrrnvns@gmail.com>

Sat, Sep 24, 2016 at 11:51 AM

To: ajit.pai@fcc.gov

Cc: Marlene.Dortch@fcc.gov, warren havens <wrrnvns@gmail.com>

Commissioner Ajit Pai,

Thank you for your services on the Commission.

In the attached, I initially respond to your separate statement and concerns regarding FCC-16-120.

Sincerely,

Warren Havens



Gmail - Re_ FCC 16-120 [wh to Matt Daneman, Communications Daily) re FCC 16-120.pdf
118K



Warren Havens <wrrnvns@gmail.com>

Re: FCC 16-120**Warren Havens** <wrrnvns@gmail.com>
To: mdaneman@warren-news.com

Thu, Sep 8, 2016 at 6:47 PM

Matt,

Some corrections in **blue** if not too late. Deletions shown by reduced font size and greyed text.

Also, please send me a copy of any article you run that includes any comments from me you choose to include. I am not a subscriber, and thus can't get a copy unless you provide it.

Thank you,
Warren Havens

bccs.

On Thu, Sep 8, 2016 at 5:01 PM, Warren Havens <wrrnvns@gmail.com> wrote:

Matt,

Here are my comments.

I can try to fix typos if there is time, but I have a meeting to go to now.

Upon an initial read, I point out a few things regarding the *Order*, FCC 16-120. [I submit this for myself.](#)

I initially reviewed **ed** the *Order*, and did not go back to review the rather old record, but have a few points to submit.

First, the *Order* does not reflect, on balance, some relevant facts as to the subject FOIA requests, decisions on the request, and issues raised on appeal. A person seeking understanding of those would have to review the record.

Second, it misses on the following critical points, in my view:

(i) FOIA is not, **as** Commissioner Pai's summary language may be taken by some to mean, "the *FCC's* FOIA process" but is an act of Congress that imposes on federal agencies, including the FCC, requirements and processes that are distinct and independent of from the agency's other disclosure requirements and processes, including those that may be used in a formal hearing. Anyone can submit the same FOIA requests I submitted that were not parties to the subject hearing (11-71), and I did not lose any rights under FOIA due to being a voluntary participant in 11-17 ([under the Commission's determination of that party right in the HDO that commenced 11-71 \(FCC 11-64\)](#)). I do not see how any person, submitting a FOIA request, can abuse Congress's FOIA process. It may be possible to do so, but not in **any** FOIA request of the sort at issue here, and in any case, the involves application of FOIA law under FOIA purposes. The purpose is disclosure, and where exemptions are not mandatory, but should be applied only when needed in the circumstance that may be demonstrated.

The FCC earlier decided a FOIA case in accord with the above: *FCC Memorandum Opinion and Order*, FCC 12-113, released September 14, 2012.

"Contrary to MCLM's view, Skybridge's rights under the FOIA are wholly independent of whatever discovery rights it may have. As EB noted in its decision, a FOIA request may be denied only if a FOIA exemption applies, and none applies here.¹⁸

¹⁸ See *Percy Squire*, 26 FCC Rcd 14930, 14933 ¶ 8 (2011) (stating that the FOIA requires agencies to disclose their records unless the records are subject to an exemption, notwithstanding the alleged relationship between the FOIA request and litigation)."

(ii) In the FCC rules on formal hearings, parties are informed to use FOIA to seek relevant Commission records, which is what I did. I believe the rule is §1.325 :

(b) Any party seeking the production of Commission records should proceed under § 0.460 or § 0.461 of this chapter. See §§ 0.451 through 0.467.

(iii) In accord with that rule, the protective order includes the following, and a FCC ALJ does not make FOIA determinations. Again, my FOIA requests were in accord: From *Protective Order, FCC 11M-2*, signed July 20, 2011:

"The Order is not intended to constitute a resolution of the merits concerning whether any Confidential Information or Highly Confidential Information would be released publicly by the Commission upon a proper request under the Freedom of Information Act or other applicable law or regulation, including 47 C.F.R. § 0.442."

(iv) Some records I sought related to 11-71 were from the Maritime bankruptcy that were publicly available in the bankruptcy case, including on the federal court PACER system. However, Maritime submitted those under the protective order, alleging those public documents to be off limits in the 11-71 hearing, unless someone signed the protective order (which is for counsel to sign, and I did not have counsel in the relevant period) and then convinced the ALJ to determine they were not confidential. But as noted, those were already publicly disclosed. I sought those under FOIA in accord with '(ii)' and '(iii)' above, and common sense, that a party in a hearing can not make confidential what is already public and by that, restrict use of those documents in the hearing.

In this regard: From a memo I sent Judge Sippel during the hearing as to why the Protective Order could not be used to make confidential documents that were publicly filed in MCLM BK in MS:

"It is because I have Article III interest and standing that I am a party. That cannot be used against me to block access to asserted relevant material for my party rights and participation. The right to confront and cross-examine witnesses is a fundamental aspect of procedural due process: From separate opinion by Marshall, J., Warren, Ch. J., and Brennan, J. in *Jenkins v Governor*, 395 U.S. 411, US Supreme Court (1969)."

(v) I did not have counsel, and neither did Skybridge, in 11-71, in the relevant time period (only years earlier) as 11-71 records show).

(vi) The past sanction decisions that Commissioner Pai noted, imposed only a requirement that I state, in that one case, in any future request for reconsideration, that I was submitting the request in good faith, which of course what the signature and submission means. In addition, the had my various appeals not poised posed substantial matters but been merely duplicative, I would not have presented them: any one that reads them can see for themselves. Also, the FCC has a subsection in rule 1.106 that allows the FCC to simply dismiss an appeal (including reconsideration) that is merely duplicative and the FCC did not use that rule.

W. Haevns Havens

(Pease fix typos you see. I have to get to a meeting now and cannot proofread above).